IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 22823 of 2007(P)

PETITIONER:

GAYATHRI V.K., W/O AJI V.K.,
VELIKUNNEL HOUSE, MULARINGAD P.O.,
THODUPUZHA TALUK, IDUKKI.
(NOW WORKING AS JUNIOR PUBLIC HEALTH NURSE,
PRIMARY HEALTH CENTRE, CHITRAPUZHA, MUNNAR)

BY ADV. SRI.P.HARIDAS

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   SECRETARY, DEPARTMENT OF HEALTH,
   THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF HEALTH SERVICES,**
   THIRUVANANTHAPURAM.

3. **THE DISTRICT MEDICAL OFFICER,**
   ERNAKULAM.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)No.22823 of 2007

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Dated this the 29th day of November 2007

JUDGMENT

The petitioner is a Junior Public Health Nurse, presently working at Chithrapuzha in Munnar. She claims that she is an inter-caste married person. She belongs to Ezhava Community and her husband belongs to Ullada(ST) community. Her home district is Ernakulam. She was initially appointed in Pathanamthitta district. Now she wants a transfer to Ernakulam District. Her claim is pending consideration.

2. In a counter affidavit filed by the second respondent, reference is made to the fact that under Ext.R2(a) the petitioner sought for an inter-district transfer in 2005 from Pathanamthitta to Idukki as a first choice. Petitioner's choice was accepted and she was given a posting at Idukki. Now she wants a posting at Ernakulam. In 2007 a total of 90 applications were received from the Junior Public Health Nurses seeking inter district transfer to Ernakulam District. As per G.O.(P) 36/91/P&ARD dtd.2.12.1991, only 10% of vacancies arising in the district in an year in a category in a department shall be filled up by inter district

transfer. Three persons were posted in the quota set apart for inter district transfer. Such postings were made pursuant to the order issued by the government, on compassionate grounds. There are 10 vacancies of Junior Public Health Nurses still remaining in Ernakulam district. One vacancy is ear marked for an inter district transferee. Petitioner can be considered under the category of inter-caste married people, only after considering the claim of 5 persons who have sought for inter district transfer to Ernakulam under preferential category.

3. Submission made in the statement that petitioner's claim for inter district transfer to Ernakulam will be considered under the preferential category available to inter-caste married people is recorded. If the petitioner has any grievance as regards the inter district transfer which has been given to the persons mentioned in paragraph-4 of the statement, she may make a motion before the government in that regard pointing out any specific infirmity in that regard within a period of one month. If it so done, the government shall take a decision on such representation with notice to the affected persons and the petitioner within a period of one month thereafter. If the petitioner's claim is accepted, then her claim for inter district

transfer to Ernakulam district shall be considered as a consequence thereof and appropriate orders shall be passed. Even if the claim is not accepted by the government, petitioner's claim for inter district transfer will be considered in accordance with law, on priority basis, as noted in the statement filed in this case.

Subject to this observations, the writ petition is disposed of.

V.GIRI, JUDGE

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